

BANNING MICKLOW BULL & LOPEZ LLP
Eugene A. Brodsky, State Bar No. 36691
Kurt Micklow, State Bar No. 113974
Jennifer L. Fiore, State Bar No. 203618
One Market, Steuart Street Tower, Suite 1440
San Francisco, California 94105
Telephone: (415) 399-9191
Facsimile: (415) 399-9192

Attorneys for Plaintiff
ALOHA MEDICINALS, INC.

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

ALOHA MEDICINALS, INC.,

Plaintiff,

vs.

POLAR SERVICE COMPANY, INC.,

Defendant.

Case No. C 05-02188 RS

**STIPULATION AND
ORDER
SELECTING ADR PROCESS**

ADR CERTIFICATION

The parties stipulate to participate in a private mediation of this dispute with
JAMS in San Francisco once sufficient discovery has been completed.

DATED: September 7, 2005

BANNING MICKLOW BULL & LOPEZ LLP

By /s/ Kurt Micklow

Attorneys for Plaintiff
ALOHA MEDICINALS, INC.

DATED: September 7, 2005

McNAMARA, DODGE, NEY, BEATTY,
SLATTERY, PFALZER & BORGES LLP

By /s/ Wilma J. Gray

Attorneys for Defendant
POLAR SERVICE COMPANY, INC.

IT IS SO ORDERED.

DATED: 9/8/05 /s/ Richard Seeborg
UNITED STATES MAGISTRATE JUDGE

**SIGNATURE AND CERTIFICATION BY PARTIES AND
LEAD TRIAL COUNSEL**

Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site www.adr.cand.uscourts.gov, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

DATED: September 7, 2005 /s/ John Holliday
President
Aloha Medicinals, Inc.

DATED: September 7, 2005 BANNING MICKLOW BULL & LOPEZ LLP
By /s/ Kurt Micklow
Attorneys for Plaintiff
ALOHÁ MEDICINALS, INC.

DATED: September 7, 2005 /s/ Jim Hayes
President
Polar Service Company, Inc.

DATED: September 7, 2005 McNAMARA, DODGE, NEY, BEATTY,
SLATTERY, PFALZER & BORGES LLP
By /s/ Wilma J. Gray
Attorneys for Defendant
POLAR SERVICE COMPANY, INC.